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AMENDMENT TRANSMITTAL LETTER			After Final Rejection	
Application No. 10/781,506	Filing Date February 18, 2004	Examiner J. L. Cumberledge	Group Art Unit 3733	
Applicant(s): Rafail Zubok, Michael W. Dudasik, and Joseph P. Errico			Docket No. SPINE 3.0-455 CIP CONT	

Invention: INSTRUMENTATION AND METHODS FOR USE IN IMPLANTING A CERVICAL DISC REPLACEMENT DEVICE

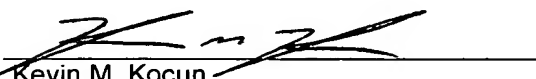
### TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	15	- 20 =	0	x 50.00	0.00
Independent Claims	3	- 3 =	0	x 210.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
Kevin M. Kocun  
Attorney Reg. No. 54,230

Dated: May 13, 2008

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 13, 2008

Signature:  (Kevin M. Kocun)

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Dated: May 13, 2008

Signature: \_\_\_\_\_

(Kevin M. Kocun)

**EXPEDITED PROCEDURE**

Group Art Unit: 3733

Docket No.: SPINE 3.0-455 CIP CONT III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Zubok et al.

Application No.: 10/781,506

Filed: February 18, 2004

For: INSTRUMENTATION AND METHODS FOR  
USE IN IMPLANTING A CERVICAL  
DISC REPLACEMENT DEVICE

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: Group Art Unit: 3733  
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: Examiner: J. L.  
Cumberledge  
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x

**AMENDMENT UNDER 37 CFR 1.116**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated April 8, 2008,  
finally rejecting claims 1-13, 20, and 21, please amend the  
above-identified U.S. patent application as follows: